

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JASON SMITH,

Plaintiff,

v.

UNKNOWN,

Defendant.

Case No. 2:21-cv-01917-JDP (PC)

FINDINGS AND RECOMMENDATIONS
THAT THIS ACTION BE DISMISSED FOR
FAILURE TO PAY THE FILING FEE

OBJECTIONS DUE WITHIN FOURTEEN
DAYS


On October 19, 2021, I ordered plaintiff to submit, within thirty days, either the \$402 filing fee or an application to proceed *in forma pauperis*. ECF No. 3. Plaintiff failed to respond to that order. Accordingly, on December 28, 2021, I ordered plaintiff to show cause within twenty-one days why this case should not be dismissed for failure to prosecute and failure to comply with court orders. ECF No. 4. I also warned him that failure to respond to the order would result in a recommendation that this action be dismissed without prejudice. *Id.* To date, plaintiff has neither submitted the required filing fee nor otherwise responded to the December 28, 2021, order.

Accordingly, it is hereby ORDERED that the Clerk of Court shall assign a United States District Judge to this case. Further, it is RECOMMENDED that this action be dismissed without prejudice for failure to pay the required filing fee and failure to comply with court orders.

1 I submit these findings and recommendations to the district judge under
2 28 U.S.C. § 636(b)(1)(B) and Rule 304 of the Local Rules of Practice for the United States
3 District Court, Eastern District of California. The parties may, within 14 days of the service of
4 the findings and recommendations, file written objections to the findings and recommendations
5 with the court. Such objections should be captioned “Objections to Magistrate Judge’s Findings
6 and Recommendations.” The district judge will review the findings and recommendations under
7 28 U.S.C. § 636(b)(1)(C).

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9 IT IS SO ORDERED.

10 Dated: February 11, 2022


11 JEREMY D. PETERSON
12 UNITED STATES MAGISTRATE JUDGE
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